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# JOURNAL

OF THE

## SENATE OF THE STATE OF SOUTH CAROLINA.

WEDNESDAY, DECEMBER 17, 1862.

The Senate met at 12, M. Prayer by Rev. Mr. Martin.

The Clerk read the Journal of the proceedings of yesterday.

### PAPERS FROM THE HOUSE OF REPRESENTATIVES.

The House of Representatives returned to the Senate,

An Act to incorporate the Carolina Cotton and Woolen Factory;

An Act to charter the Shelby and Broad River Railroad Company;

An Act to renew and amend the charter of the Swedish Iron Manufacturing Company of South Carolina, and to change the name thereof;

An Act to incorporate the Importing and Exporting Company of South Carolina;

An Act to enable the Charleston Savings Institution to purchase and hold real property; which were referred to the Committee on Incorporations and Engrossed Acts.

The House of Representatives returned to the Senate with its concurrence, The report of the Committee on Accounts and Vacant Offices on the contingent accounts of the Lower Division.

The House of Representatives sent to the Senate,

A Bill to extend some of the provisions of an Act entitled an Act in reference to the suspension of specie payments by the banks of this State,

and for other purposes, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four; which received the first reading and was referred to the Committee on Finance and Banks.

The report of the Special Joint Committee on Message No. 14 of his Excellency the Governor, to examine the contingent accounts; which was concurred in, and ordered to be returned to the House of Representatives.

The House of Representatives sent to the Senate the following message:

HOUSE OF REPRESENTATIVES, December 17, 1862.

*Mr. President and Gentlemen of the Senate:*

The House having appointed Messrs. J. Harleston Read, John M. De-Saussure and Randell Croft a Committee to communicate with the Lieutenant Governor elect, inform him of his election, and ascertain when it will suit him to qualify, respectfully request that the Senate do appoint a similar Committee to act with the House Committee.

By order of the House,

A. P. ALDRICH, *Speaker*.

The Senate concurred, and Messrs. Mazyck, Wilson and Hammond were appointed the Committee on the part of the Senate, and a message sent to the House of Representatives accordingly.

Mr. McKEWN, from the Committee on the part of the Senate, to count the ballots for Governor, reported that no one of the gentlemen voted had received a majority of all the votes cast, and that there was consequently no election.

The House of Representatives sent to the Senate the following, which was concurred in, and a message returned accordingly:

HOUSE OF REPRESENTATIVES, December 17, 1862.

*Mr. President and Gentlemen of the Senate:*

The House respectfully proposes to the Senate to go into an election for Governor and Commander-in-Chief, this day, at quarter past twelve o'clock.

By order of the House,

A. P. ALDRICH, *Speaker*.

Mr. MOSES offered the following resolution, which was agreed to, and ordered to be sent to the House of Representatives:

*Resolved*, That the Treasurers of the Upper and Lower Divisions of the State be authorized to pay out of any money in the Treasury, such contingent accounts and claims as may be allowed by the Legislature at the time of its intended recess on the 18th instant, and such interest on the funded debt as may become due prior to the passage of the Acts to raise sup-

plies and make appropriations for the fiscal year commencing October 1st, 1862.

Mr. HOPE presented the petition of A. G. Mayor, of Lexington District, praying to be refunded money twice paid on a hired slave, in the collection of the War Tax; which was referred to the Committee on Finance and Banks.

The House of Representatives returned to the Senate with its concurrence the complimentary resolutions in relation to Brig. Gen. Walker and Col Thos. G. Lamar.

Mr. BONNEAU offered a resolution for suspending proceedings under a tax execution against the property of G. W. Roberts and G. Truesdell; which was agreed to, and ordered to be sent to the House of Representatives for concurrence.

The House of Representatives sent to the Senate,

A Bill to amend, suspend and repeal certain portions of the Militia Laws of this State; which received the first reading, was referred to the Committee on the Military and Pensions, and ordered to be printed.

Mr. MOSES, from the Committee on the part of the Senate to count the ballots for Governor, reported that Milledge L. Bonham had received a majority of all the ballots cast.

He was therefore declared by the PRESIDENT duly elected accordingly.

Mr. McKEWN moved that a Committee be appointed to wait on the Governor elect, and inform him of his election, and enquire when he will be pleased to qualify; and that a message be sent to the House of Representatives, requesting the appointment of a similar Committee, which was agreed to, and the House returned the following reply:

HOUSE OF REPRESENTATIVES, December 17, 1862.

*Mr. President and Gentlemen of the Senate:*

The House respectfully concurs with the Senate to appoint a Committee to communicate with the Governor elect, inform him of his election, and ascertain when he will qualify, and respectfully appoint, on the part of the House, Messrs. W. G. DeSaussure, Suber and Talbert.

By order of the House,

A. P. ALDRICH, *Speaker.*

Mr. WARE submitted the report of the Committee on Accounts and Vacant Offices on the report of the Committee on Accounts of the House of Representatives on the Comptroller General's report on Contingent Accounts against the Upper Division of the Treasury, recommending concurrence.

The report was ordered for immediate consideration, and the House report was concurred in and returned.

Mr. McALILEY submitted the report of the Committee on Finance and Banks on the report of the Committee of Ways and Means of the House of Representatives on Message No. 12 of his Excellency the Governor, covering a copy of the resolutions of the Legislature of Alabama, relative to a guaranty of the bonds of the Confederate Government, recommending concurrence.

The report was ordered for immediate consideration, and the House report was concurred in and returned to the House.

The Senate proceeded to the

### SPECIAL ORDER OF THE DAY FOR 1, P. M.

The report of the Committee on the College, Education and Religion on Message No. 4 of his Excellency the Governor, relative to the South Carolina College; and the report was agreed to, and was sent to the House of Representatives for concurrence.

A Bill to authorize and empower the First Corps of Reserves to elect their field officers, being before the Senate on the second reading, the following amendments were offered and agreed to, viz :

By Mr. HOPE :

In 1st Section, 5th line, after the word "Reserves" add, "and of such other regiments now in service, whose field officers have been appointed by the Executive Council."

By Mr. THOMSON :

SEC. 6. That the service of said First Corps of Reserves be not extended beyond their term of enlistment, to wit : for three months from their enlistment.

By Mr. HARRISON :

That the resolution of the Executive Council, disbanding the 4th and 10th Regiments of the 1st Corps of Reserves be, and the same is hereby, repealed.

Mr. MAZYCK moved that the Bill do lie on the table, which question was ordered to be decided by yeas and nays, and they are as follows :

Those who voted in the affirmative, are

Hon. W. D. PORTER, President, Messrs. Barker, Bonneau, Bull, Garlington, Manning, Mazyck, McKewn, Miller, Murray, Oswald, Rhett, Simkins and Thomson.

Those who voted in the negative, are

Messrs. Arthur, Beaty, Blakeney, Ellis, Hammond, Harrison, Hart, Hope, Houser, W. D. Johnson, W. R. Johnson, Keitt, Lawton, Lesesne, Maxwell, McAliley, McCaw, Miller, Moses, S. W. Palmer, Roberds, Sessions, Ware and Wortham.

In the affirmative, 14.

In the negative, 24.

The motion was therefore lost.

The Bill received the second reading, was agreed to, and was sent to the House of Representatives.

The PRESIDENT laid before the Senate the following telegraphic communication :

RICHMOND, December 16, 1862.

*To His Excellency Governor Pickens :*

Brigadier General Maxey Gregg died at five o'clock on the morning of the 15th inst., near the battle field upon which he fell. His remains will reach Columbia on the morning of the 18th.

A. C. HASKELL,  
*Capt. & A. A. G.*

Mr. OSWALD offered the following resolutions, which were ordered for immediate consideration, were agreed to, and ordered to be sent to the House of Representatives :

*Resolved*, That this General Assembly has received with profound sorrow the intelligence of the death of the late General Maxey Gregg, and mourn his loss as that of one of our purest and best citizens, and a soldier who has not been excelled in patriotism and valor.

*Resolved*, That a Committee of four Senators be appointed to make suitable arrangements for receiving the remains of Gen. Gregg, on their arrival in Columbia, and in coöperating with the other authorities in paying a suitable tribute of respect to his memory; and that a message be sent to the House of Representatives proposing the appointment of a similar Committee to confer with the Committee of the Senate on this subject.

The resolutions were considered and agreed to. Messrs. Oswald, Moses, Maxwell and Arthur were appointed the Committee on the part of the Senate, and a message was sent accordingly.

The House of Representatives sent to the Senate resolutions in relation to the death of Gen. Maxey Gregg (recommending that the General Assembly do attend his funeral services); which were concurred in and returned to the House.

On motion of Mr. WILSON, leave of absence was granted to Mr. Farman from and after to-morrow, on account of sickness in his family.

Mr. McKEWN, from the Committee to wait on the Governor elect, and inform him of his election, reported that the Committee had performed the duty assigned to them; that the Governor elect had signified his acceptance of the office, and had informed the Committee that he would be ready to qualify to-morrow at 11 o'clock, A. M.

Mr. MAZYCK made a similar report from the Committee to wait on the Lieutenant Governor elect, informing the Senate that the Lieutenant Governor elect would qualify immediately after the Governor is qualified.

The Senate proceeded to the

### GENERAL ORDERS OF THE DAY.

The following were agreed to, and were sent to the House of Representatives for concurrence :

Report of the Committee on the Military and Pensions on the petition of Asa George, praying aid of the State in the construction of a new revolving cannon.

Reports of the Committee on Claims and Grievances :

On the petition of Edgar N. Plowden, praying compensation for a slave who died in public service.

On the petition of E. Ruthven Plowden, for compensation for a slave lost in the service of the State.

On the account of Samuel Watson, Sheriff of Sumter District, for articles furnished the Jail.

Report of the Committee on the Military and Pensions on a resolution authorizing the Governor to appoint an Assistant Adjutant General.

Report of the Special Joint Committee on Message No. 13 of his Excellency the Governor, for examination of the Contingent Accounts of the Executive Department.

Report of the Committee on the Military and Pensions on Message of the Governor relative to Cruzbaur's iron-plated vessels of war.

Report of the Committee on the College, Education and Religion on the report of the Commissioners of the Deaf, Dumb and Blind Asylum.

A Bill to vacate the commissions of militia officers was, on motion of Mr. MOSES, ordered to be placed in the General Orders of the Day, for the second day after the re-assembling of the Legislature.

Reports of the Committee on the Military and Pensions on the petition of Joseph Melton, praying aid from the State, and on a resolution of the House of Representatives in relation thereto ; and

Report of the same Committee on resolutions from the House of Representatives in relation to the defence of the City of Charleston by Gen. Beauregard ; were concurred in, and returned to the House of Representatives.

Report of the Committee on the New State House on Message No. 10 of his Excellency the Governor ; was agreed to, and was sent to the House of Representatives for concurrence ; the second and third resolutions as originally printed, having first been ordered to lie on the table.

Report of the Committee on the Military and Pensions on sundry memorials and petitions in relation to the organization of the 1st Corps of Re-

serves; also, on a resolution from the House of Representatives on the same subject, and on a Bill from the House of Representatives to authorize and empower the 1st Corps of Reserves to elect their field officers; was ordered to lie on the table.

Report of the same Committee on the petition of sundry citizens of Marlboro', praying relief against arbitrary arrests for military service was agreed to.

The House of Representatives returned to the Senate a Bill to organize and supply negro labor for coast defence, in compliance with requisitions of the Confederate Government.

The House of Representatives having amended the Bill on the third reading, the amendments were referred to the Committee of the Whole Senate, to sit immediately. The Hon. F. J. MOSES, Senator from Sumter, was called to the chair, and after some time spent therein, the Committee rose and the President resumed the chair. Mr. MOSES reported that the Committee of the Whole recommended to the Senate the adoption of all the amendments except that in the 12th Section, to which they recommended a disagreement. The report was ordered for consideration at 8, P. M., this day.

Mr. McALILEY submitted the report of the Committee on Finance and Banks, on a Bill from the House of Representatives to extend some of the provisions of an Act entitled "An Act in reference to the suspension of specie payment by the Banks of this State," and for other purposes, to the 1st of January, A. D., 1864.

The report was placed in the General Orders of this day.

The House of Representatives returned to Senate resolutions in relation to General Maxcy Gregg, in which it had concurred.

The House of Representatives also sent to the Senate the following message:

#### HOUSE OF REPRESENTATIVES, December 17, 1862.

*Mr. President and Gentlemen of the Senate:*

The House respectfully concurs with the Senate in their resolutions respecting the reception of the remains of the late General Maxcy Gregg, and do appoint Messrs. Lide, Bryce, Perrin and Graham as the Committee on the part of the House.

By order of the House,

A. P. ALDRICH, *Speaker*.

Mr. BONNEAU said:

Mr. PRESIDENT: It becomes my painful duty to announce to the Senate the death of my predecessor, the Hon. T. M. Wagner, of Christ Church

Parish. He was a native of Charleston, and a graduate of the Charleston College. For a brief time was engaged in mercantile affairs. He was the Secretary and Treasurer of the Blue Ridge enterprise. In early manhood removed to Christ Church, and became an energetic and successful rice planter. He was not allowed long to remain in the quiet seclusion of private life. He was called to represent the Parish in the lower branch of the General Assembly. He served three terms in the House, and at the time of his death was in his second term of service in this body. His career as a legislator was one of great influence. Though not a debater, his great personal popularity, good judgment and tact, coupled with activity and great earnestness, contributed, on many occasions, to decide the issue. After the secession of South Carolina, in 1860, Col. Wagner, though not liable for duty in the field, promptly sought service, and was appointed Lieutenant in an artillery company. He was rapidly promoted. He escaped unharmed the perils of the desperate assault upon the Secessionville battery, on the 16th June, where, by his courage and presence of mind, he materially assisted in the defence of the works. He escaped the dangers of battle only to fall on the 15th of July by a sad fatality. His long and useful career in this body afforded to you all a knowledge of those high qualities of the heart which he so bountifully possessed.

Warm and ardent in his friendship, this feeling was as warmly and sincerely reciprocated by as numerous a body of friends as ever fell to the lot of one man. He was an open hearted, steadfast friend. To those in the humbler walks of life who sought his assistance, he was ever ready to render relief. Kindness was his nature, generosity his habit.

In the death of Col. Wagner, at this time, the country has sustained a great loss. From the breaking out of this war, he gave himself, without reserve, to his country, and never left his post to visit his plantation, though but a few miles distant, since going into service.

Brave, hightoned and conscientious, he commanded the confidence of all. Mr. President, the death of one even in the sere of life, possessing all these qualities of head and heart, is painful to his friends, but it becomes doubly so when he is cut off suddenly in the prime of manhood and in the midst of his usefulness.

With these brief remarks, I ask leave to submit the following resolutions:

*Resolved*, That the members of the Senate have received the announcement of the death of Col. Thomas M. Wagner with profound regret.

*Resolved*, That as a mark of respect, the members of the Senate wear the usual badge of mourning.

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of the Senate to the family of the deceased.

WEDNESDAY, DECEMBER 17, 1862.

Mr. MANNING said :

MR. PRESIDENT : I cannot forbear the expression of a word of affection as a tribute to the memory of my friend, whose death has been noticed in such just and feeling terms by the Senator from Christ Church.

In peaceful and happier years, none who beheld the open and ingenuous face of Thomas M. Wagner would readily forget it. It was so genial, so frank and manly, that men were attracted to him by an irresistible impulse. Nor was there disappointment upon a more intimate association with him, for the expression of his countenance was the index of his mind.

He had a heart, sir, which was peculiarly susceptible to the sentiment of friendship. Whatever was worthy and manly in human character quickly won his regard, which, once obtained, he preserved to the last with as much tenderness as fervor. Nor was his friendship a sentiment only, it was earnest and active, and constantly striving to promote by works the interests of its object.

Col. Wagner commenced public life as a very young man. First as Representative and then as Senator from Christ Church. These halls witnessed for many years his zeal, activity and energy in the management of the affairs of his constituents and of the State.

Col. Wagner was deeply imbued with a love for his native State, and entertained equally a decided spirit of aggression against a people whom he honestly believed to be her bitter and vindictive enemies. He evidenced these strong opposite sentiments in a marked manner throughout both his political and military career.

When the governmental relations between the two great sections of the late Federal Union were severed, Col. Wagner was among the very first to promote military organizations for the defence of the State. Enlisting as a private in a company of regular artillery, upon its organization, he was immediately made first lieutenant, and was placed in Fort Moultrie. In the defence of that fortress, during the battle of Fort Sumter, he behaved with distinguished gallantry, which won the confidence and compliments of his superior officers; and rising rapidly in rank, he soon became a Lieutenant Colonel in a regiment of artillery.

During the progress of the war, amid all its varying fortunes, Col. Wagner was always confident, vigorous and intrepid, and infused these characteristics into the minds of those around him.

Upon the gallant field of Secessionville, Col. Wagner displayed the loftiest traits of heroism. He shared with the brave Lamar the glories of that day, and their names, as brothers in arms, will descend together in history,

"As on this glorious and well foughten field,  
They kept together in their chivalry."

Both survived the dangers of that memorable day, Mr. President, to yield up their lives to their country, still in its service indeed, but not as either would have wished to die, upon the field of battle, striking to the last against the enemies of their country.

Mr. President, there were three friends, especially attached one to the other, who for years were associated in these halls, and subsequently in the armies of their country—Johnson, Wagner and King. One yielded up his life on the consecrated field of Manassas, the second within the walls of Sumter, and the third upon the plains of Secessionville. They rest not remotely from each other in the soil of the State which they loved so well. And hereafter, when peace once more spreads her blessed influences over the land, brave men and patriotic women will make gestures of respect and reverence as they pass the spots where they rest, and little children, in robes of innocence, will scatter the purple flowers over their graves, to keep their memories fresh forever.

Mr. President, I second, with many sad recollections, the resolutions of the Senator from Christ Church.

The preamble and resolutions were further advocated by feeling remarks from Mr. WILSON and Mr. FICKLING, and were unanimously agreed to.

On motion of Mr. MOSES, it was further ordered that the Senate, as a mark of respect for the memory of the deceased Senator, do now suspend business, and the Senate, at 15 minutes past 4, P. M., suspended business until 8, P. M.

#### RECESS.

At 8 P. M., the President took the Chair, and the Senate proceeded with business.

The following messages were received from the House of Representatives :

HOUSE OF REPRESENTATIVES; December 17, 1862.

*Mr. President and Gentlemen of the Senate :*

The House respectfully invites the Senate to attend the inauguration ceremonies of the Governor elect, to-morrow, at 11, A. M.

By order of the House,

A. P. ALDRICH, *Speaker.*

HOUSE OF REPRESENTATIVES, December 17, 1862.

*Mr. President and Gentlemen of the Senate :*

The House respectfully proposes to the Senate to amend the resolution ordering a recess of the General Assembly by striking out 12, M.

By order of the House,

A. P. ALDRICH, *Speaker.*

The Senate accepted the invitation in the first message, and concurred in the second, and messages were returned accordingly.

The Senate proceeded to the Special Order for this hour,

The report of Committee of the Whole on a Bill to organize and supply negro labor for coast defence in compliance with requisitions of the Confederate Government. The report was agreed to, and the Bill received the third reading and it was passed, the title was changed into "An Act," and it was returned to the House of Representatives.

Mr. WILSON moved to reconsider the vote of the Senate, concurring in the message from the House of Representatives, proposing to rescind so much of the resolution for taking a recess of the General Assembly, on 18th instant, as fixes the hour at 12, M. and the same was ordered.

On the question of concurring in the message it passed in the negative.

Mr. MOSES moved that the message do lie on the table, and the same was ordered.

Mr. MOSES then moved that a message be sent to the House of Representatives, proposing to substitute 5, P. M., 18th inst., as the hour of adjournment, instead of 12, M., and the same was ordered.

Pursuant to notice, and with the leave of the Senate, Mr. LESESNE introduced

A Bill to authorize the Banks of this State to purchase Confederate and State securities. The Bill received the first reading, and was referred to the Committee on Finance and Banks.

Mr. OSWALD, from the Committee to count the ballots for President and four Directors of the Bank of the State of South Carolina, reported that the following gentlemen had received a majority of the ballots cast :

*President*—CHARLES M. FURMAN.

*Directors*—W. C. DUKES,

C. F. HANCKEL,

W. F. McMILLAN,

J. P. DEVAUX.

Whereupon, they were declared by the PRESIDENT duly elected accordingly.

Mr. OSWALD submitted the following report; which was considered and agreed to, and was ordered to be printed, and to be sent to the House of Representatives for concurrence :

The Committee of the Senate, appointed to act with a similar Committee of the House of Representatives, in making suitable arrangements for the reception of the remains of the late Gen. Maxey Gregg, on their arrival in this city, beg leave to submit the following arrangements as having been agreed upon in concurrence with the City Council of Columbia :

That the body be kept at the family residence till 9 o'clock, A. M., when it will be escorted by the Committee of the two Houses, the City Council and the Arsenal Cadets, to the City Hall, where it will lie in state, attended by the Cadets as a guard of honor, till 12 o'clock, when both branches of the General Assembly, with their officers, together with the city authorities, the Cadets, brother officers and soldiers, will escort the remains to the Presbyterian Church, where the service will be performed, and the body will be interred with the honors of war. The city bell will be tolled from the time the body leaves the residence until it reaches the Church, while minute guns will be fired.

G. W. OSWALD,

*Chairman Senate Committee.*

T. P. JIDE,

*Chairman House Committee.*

The House of Representatives returned to the Senate,

A Bill to alter and amend an Act to afford aid to the families of soldiers, passed in the year A. D. 1861.

Certain amendments having been made by the House of Representatives on the second reading, they were referred to a Committee of the Whole, Mr. MOSES, the Senator from Sumter, in the chair.

Mr. MOSES, from the Committee of the Whole, submitted a report recommending that the amendments made by the House of Representatives be agreed to. The Senate proceeded to the third reading of the Bill, and the reading having been concluded, the amendment to the title of the Bill made by the House as follows: A Bill to make appropriations in aid of the families of soldiers, and to repeal an Act entitled an Act to afford aid to the families of soldiers, ratified on the 21st day of December, A. D. 1861—was agreed to, the Bill was passed, the title changed to an Act, and it was sent to the House of Representatives.

Mr. MOSES offered the following resolution, which was ordered for consideration to-morrow:

*Resolved*, That the 26th rule of the Senate be altered by inserting before the word committee, the word "standing."

Mr. E. G. PALMER offered the following resolution; which was ordered for consideration to-morrow:

*Resolved*, That the resolution recently adopted by both branches of the Legislature, requesting the Governor to distribute all of the salt on hand to the different Boards for soldiers' relief throughout the State, was designed to be a gratuitous distribution of salt.

The House of Representatives returned to the Senate the report of the Committee on Claims and Grievances on the petition of J. B. O'Neill, praying to be paid a quarter's salary of Thomas J. Gantt, late Clerk of the Court of Appeals, which had been amended by the House of Representatives by leave of the Senate, and concurred in by that House.

On motion of Mr. MOSES, it was ordered that when the Senate adjourns it shall stand adjourned to meet to-morrow, at 10 o'clock, A. M.

On motion of Mr. MOSES, the Senate adjourned at half-past 9 o'clock, P. M.

**Date Due**

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